

**IN THE UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF PENNSYLVANIA**

DERRICK R. COOMES
Plaintiff

Vs.

ROBERT W. MYERS, ET. AL.
Defendants

No. 1: 01-cv-00247
(Judge Rambo currently)

FILED
HARRISBURG, PA

JUL 18 2001

**MISCONDUCT COMPLAINT AND MOTION
FOR ORDER COMPELLING DISCOVERY**

MARY E. D'ANDREA, CLERK
Per AK
Deputy Clerk

To: The Honorable Judges of this Honorable District Court;

Plaintiff complains of misconduct of adversary party, and prays for an ORDER compelling discovery, as follows:

1. Pursuant to L.R. 5.4 (a) Plaintiff requested discovery from defendants counsel, who intentionally, and in an act of mail fraud, told plaintiff he would send him discovery with his answer to complaint and fraudulently tried to tell plaintiff his request was "somewhat premature" but he would comply with it anyway.
2. In the answer filed by defendants it is evident, that defendants counsel is familiar with local rules, and his attempted deception of plaintiff is inexcusable.
3. Defendants counsel has failed to provide requested discovery items, and has substantially prejudiced plaintiffs ability to respond effectively to defendants motion to dismiss, and deliberately obstructs plaintiff from making fair due process defense.
4. It is axiomatic that, this Court adopts the Code of Professional Conduct as Code of conduct, for this court.

RULES OF PROFESSIONAL CONDUCT RULE 3.4 PROVIDES:

"A lawyer shall not; "unlawfully obstruct another parties access to evidence or unlawfully alter, destroy, or conceal a document or other material having potential evidentiary value or assist another person to do any such act."

DR 7-102 (A)(5) PROVIDES:

"A lawyer shall not make a false statement of law or fact"

RULES OF PRO. CONDUCT RULE 8.4 "MISCONDUCT" PROVIDES:

"It is professional misconduct for a lawyer to; (c) engage in conduct involving dishonesty, fraud, deceit, or misrepresentation." or, (d) engage in conduct that is prejudicial to the administration of justice."

5. DAS Cavley, is in violation of the above rules, has fraudulently deceived your plaintiff, and is obstructing plaintiffs access to evidence needed for due process right to prosecute and defend this action, in accordance with due process of law.
6. The material requested to be discovered, is appended hereto, and was filed with this Hon. Court, initially but returned to plaintiff for time being. It is submitted now.

7. Of imperative importance, it is prayed the Hon. Court note my request for admission as to whether or not one Janice Martino Gottschall of DAG Cawley's office(Atty. Gen.) was, or was not, fraudulently and corruptly installed on plaintiffs criminal jury, to illegally convict your plaintiff. Plaintiff informed DAG Cawley, he would need to move for his entire offices disqualification, in representing defendants, for conflict of interest if this is the case. It is believed, and therefor averred, that it will be borne out at trial, that members of DAG Cawley's office, were personally involved in obstruction of Plaintiffs Const. rights, by DOC. Including the said Gottschall.

Who has substantial interest in keeping plaintiff imprisoned to prevent her exposure, and loss of her job.

8. DAG Cawley's failure to co-operate in this matter, has prejudiced your plaintiff, and prevented him from making timely motion to disqualify Atty. Gen.'s office in this matter.

9. It is plaintiffs intent, to call said Gottschall as a witness in this matter.

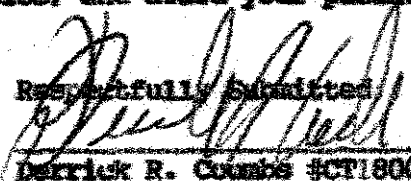
No wonder DAG Cawley, would move to dismiss this action.

10. Additionally, all other matter requested in this discovery request, is required for plaintiff to effectively respond, prosecute, and defend against defendants motion to dismiss/motion for dismissal.

WHEREFORE: It is respectfully prayed this Honorable Court, issue attached ORDER compelling discovery by defendants, and GRANT plaintiff any such extension(s) of time as needed to respond to defendants motion to dismiss, and/or move to disqualify DAG Cawley's office, from defending this action, for substantial conflict of interest, until such time as discovery as requested, and ignored by DAG Cawley, who lied to me, is complied with.

Accordingly it is prayed the Court, ORDER defendants Counsel DAG Cawley, to forthwith provide plaintiff all items requested in attached discovery, and GRANT plaintiff thirty days from date of receipt, of said discovery, to respond to defendants motion to dismiss and impose such other sanctions upon DAG Cawley as the court sees fit in this matter, or alternatively STRIKE defendants motion to dismiss, and award your plaintiff summary judgment in his favor.

Respectfully Submitted


Derrick R. Coombs #CT1800
Box 200 Camp Hill Pa.
17001-0200 Pro-Se.

IN THE UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF PENNSYLVANIA

DERRICK R. COOMES
Plaintiff

No. 01-cv-00247
(Judge Rankin, currently)

Vs.

ROBERT W. MYERS, ET AL.
Defendants

ORDER

AND NOW: This _____ day of _____, 2001, upon consideration of the within
misconduct complaint, and motion for ORDER compelling discovery:

COMES THE COURT AND ORDERS:

Defendants Counsel, will provide the requested discovery items to plaintiff,
within _____ days, upon showing of plaintiffs actual receipt of said items
plaintiff, has _____ days, to respond to Defendants motion to dismiss, or
_____ (if motion to strike Defendants motion as non-responsive is granted)
and to make timely motion to disqualify Atty. Generals office, in this matter, upon
his receipt of said discovery.

BY THE COURT: HON. _____ J.
(United States Judge)

IT IS FURTHER ORDERED THAT: Sanctions in the form of _____
_____ will be imposed upon DAG Casley, in
this matter, for the violations of DR's set forth in this motion.

IN THE UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF PENNSYLVANIA

DERRICK R. COOMBS
Plaintiff

Vs.

ROBERT W. MYERS, ET.AL.
Defendants

No. +1: 01-cv-00247
(Judge Rambo currently)

PROOF OF SERVICE

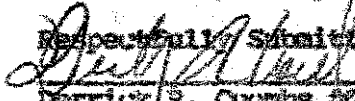
I hereby certify I have this Sixteenth day of July, 2001, served the within "Motion for ORDER compelling discovery, and misconduct complaint" on the parties below, by deposit in prison mail, with request to deduct postage, addressed as follows;

Clerk of Court U.S. Dist. Ct.
228 Walnut St. Box 983
Hbg. Pa. 17108

Mr. P. Cawley DAG
Atty. Gen.'s office
15th Flr. Strawberry Square
Hbg. Pa. 17120

Signed in accordance with FRCP Rule 11, and submitted under penalty of perjury:

Respectfully Submitted:


Derrick R. Coombs #21800
Box 200 Camp Hill Pa.
17001-0200 Pro-Se.

IN THE UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF PENNSYLVANIA

Derrick R. Coombs	}	No. <u>101-cv-00247</u> (Hon. Judge Rambo, currently)
Plaintiff		
Vs.		
Robert W. Myers, et.al.)		
Defendants)	

INFORMAL DISCOVERY REQUEST

To; All defendants, and their counsel, Dep. Atty. Gen.

Plaintiff, in accordance with FRCP Rule 26, and M.D. Local rules, prays for discovery of the following information, records, and things, as follows;

1. From Defendant Myers, true and correct copies, of his Institutions legal mail logbook for block on which I was housed, for the months of May, and June, 1999. Please provide true and correct copies, of all entries and pages, for those two months. in
2. From Defendant Myers, please provide me, true and correct copies of your institutions telephone bills, for the following months, Jan. Feb. March, 1999 + Dec. 1998
And, please provide the following; All names, documents, and paperwork, related to "Order" given me, not to correspond, with the Family Nuss. Including names of all parties as were involved in that Order" coming to be, and copy of Major Harvey Yanceys Resolution of this matter, per grievance process, and any and all documents in possession of your staff, including Mr. Daniel Walls, in this matter.
3. Please provide me specific telephone records, of Mr. Daniel Walls, for the above months, as well as telephone records, of your security office, and exact substance of any conversations, with anyone, of your staff, has had with anyone, regarding this "order" for me not to write, family Nuss. Including whom these conversations were with.

Please include dates, times places, and by, and with whom.

4. Please confirm, that your security officer, Mr. Nauff, informed Mr. D. Walls, to remove any "no contact" orders, in this matter, from my file.
5. Please provide explanation why my grievance, addressing Mr. Walls threatening me, in regard too this matter, was not processed.
6. Please provide me copies, of all my medical records, of your institution, and names and addresses, of any and all parties, you, or your medical staff, had any discussions, correspondence, or communication with, about this matter.
7. Please provide me copy of your authorization, to disregard the AUSTIN decree, and not install non-admitters programs, within your institution.
8. Please provide true and correct copies, of all my grievances as filed within your institution, as well as copies of correspondence my family sent you, and lastly;
9. Please provide me copy, of the Federal Court ORDER, you had, to confine me within your instution, in violation of FRAP 23(a) and provide names, of all parties, involved, in any way, with my being transferred to your jail, and explain why. (names and addresses)

To; Defendant Myers; I must additionally ask the following, please; Kindly provide me with, copy of any court orders, rec. by you, relating to me, explain when you rec. these, and from whom, and how. And, lastly, I also request you please provide me copy of ORDER authorizing my temp. transfer to SCI Camp Hill by you, or name of whom told you to transfer me, while I had habeas pending in Co. Court. when same is direct violation of law.

Thank you Sir.

To; Defendant Dragovich; Please provide me the following;

1. Names, addresses, and phone numbers, of any and all parties, you, or your subordinates Mr. Baker, and Mr. Robinson, had any conversations with, regarding my being ordered not to write family Nuss, and provide me true and correct copies, of any and all memo's notes letters, or documents in your possession, in this matter, either in your possession, or possession of your subordinates.
2. Please provide me true and correct copy, of Federal Court Order, provided to you, by Mr. Myers, showing he had lawful custody of me, and lawfully transferred that custody to you, or your predecessor, Mr. Kyler.
3. Copy of your letter, as sent to Rev. John Rush, in which you instructed him, not to assist me, in trying to prove my innocence.
4. Copies of any and all grievances, or misconduct appeals I have submitted, as are in your possession, or control, or that of your subordinates.
5. If you do not have, the requested Federal Court order, for my being detained by you, please provide me a copy of exactly what authority, you are detaining me, under.
6. Please provide me copies, of all my medical records, as are in possession or control of your institution or your staff.
7. Please provide me, correct account of any prior lawsuits ever filed against you.
8. Please provide me, copies of any and all parole recommendations, made in my regard, by your staff, including what factual basis these were made from, and please provide the following; Copy of any authorization you have, to override the AUSTIN decree, and not install, non-admitters programs, and explain by whom (Names addresses, etc.) you were in fact authorized to do this by.

To; Mr. Harvey Bell; Kindly please provide me;

1. Names, addresses, and phone numbers. of any persons you spoke to, regarding my being pardoned. Please include dates, and substance of your conversations.
2. Please confirm that you were the defendant in the case of SOURBEER V. ROBINSON and provide me copy of that judgment, and state your prior position within DOC.
3. Please provide me copies, of any paperwork, in your possession or control, that relates to my requesting pardon, or myself, in any way.
4. Please explain why you felt it was lawful, for me to be here, without required Federal Court order, and why I should not be pardoned for my injury, and illegal abuse.

5. Please provide me copies of any and all correspondence, memos etc. as you may have in regard to me, and explain where these came from, and how they came about.

Thank You, Sir.

To: Mr. Martin Horn; Sir;

1. Kindly please, provide me, copies of any memo's correspondence, etc. you may have, or ever had, in your possession or control, or were made aware of, including those referred to your subordinates, for answers.

2. Kindly please, provide me a brief description, of the Coonversation you had with Rev. John Rush, regarding Mr. Dragovich sending him a letter, requesting he not assist me with my legal case, explain what you told My Rev.

3. Please provide me copies of any memo's you may have sent to Mr. Dragovich, regarding this unauthorized conduct of his.

If you did not send any, please explain why not.

4. Please provide me copies, of your authorization, to override the AUSTIN decree, within the DOC, and provide me names, addresses and phone numbers, of who authorized this, while you were in office, and for your successor in office if applicable, for purposes of policy you left him and/or instructed him to follow.

5. Please provide me copies of all correspondence you rec. from my family, and or any and all correspondence, memo's etc. you have ever rec. in regard to me.

Including memo's correspondence, etc. from other institutions.

6. Please provide me with the Federal Court order, authorizing my transfer from SCI Somerset, or in the alternative, please provide me names, addresses, and phone numbers, of who requested this transfer, who was responsible for authorizing it, what was it's exact purpose, and copies of any policy you have, or know of, that overrides federal law.

7. Please provide me a summary of your conversation with my minister.

8. Please provide me, any and all memos, correspondence, etc. you rec. in regard to my injury, including any summary of telephone conversations, and state with whom, when and substance thereof.

9. Please provide me, copies of any transfer orders, for my transfer to SCI camp hill, and state by whom this was requested, and what was its specific purpose, and state the basis of authority for this.

10. Please provide me any and all paperwork in your possession, regarding my being order-ed not to write witnesses, trying to represent myself, as I am forced to do.

11. If possible, please provide your replies, to any above correspondence, memos, etc.

Thank you Sir.

To; Mr. Martin F. Horn; Additionally, Sir, kindly please, provide me;

Any and all records/documents in your possession or control, either currently, or previously, relating to specific training you give your officers, in regard to The U.S. Constitution, and the need to uphold federal law, and Constitution.

To; Defendants Counsel; Dep. Atty. General;

Plaintiff intends to move for your disqualification for conflict of interest, and/or complicity in these matters, and requests the following please;

1. Copies of any and all my correspondence to your office, in regard to violation of my rights, and requests for assistance.
2. Your offices answers, to these matters, including the one from your Mr. Filippi, telling me, "stop wasting my postage".
3. Copies of my correspondence, to your Dep. Atty. Gen. in charge of Crim. Prosecutions, specifically, one Ms. Janice Gottschall, which requests to please see her, were never answered.
4. It is believed, and therefore averred, that the said Jan Gottschall, was illegally installed on my criminal jury, in order to illegally convict me. She refuses to answer my correspondence in this regard, or to come see me, and take criminal complaint.

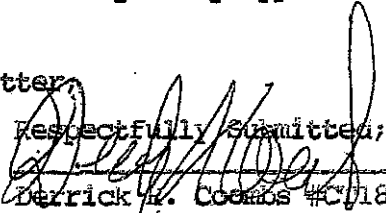
accordingly, I must request, a photograph, of this woman, true and correct, to verify this matter, and or an admission from you, in this regard.

5. I would request, you produce yourself, and allow me to swear out a criminal complaint, against State and Co. actors, and the woman who's perjury, caused my false imprisonment, and that you provide me equal protection of the law, and help me to obtain truth and justice, and my liberty back, from these actors.
6. I respectfully request, you provide me copy, of State Police report, No. G7-574914 as is on file, with Pa. State Police, in HBG, and is material to truth I seek to discover in this matter, and which has been unjustly refused me, despite my BRADY right, to this document. Prepared pursuant to charges I filed previously. (Rockview PSP, 1995)

Your assistance, in these above three matters, would be greatly appreciated, and make our negotiations, much easier Sir.

I thank you all, for your co-operation in this matter.

Respectfully Submitted;


Derrick M. Coombs #CH1800
Box 200 Camp Hill Pa.
17001-0200

IN THE UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF PENNSYLVANIA

Derrick R. Coombs)
Plaintiff)

No. 1:01-cv-00247

Vs.)

Robert W. Myers, et.al.)
Defendants)

PROOF OF SERVICE

I hereby certify I have this 24th day of May 2001, served the within "Informal Discovery request on the parties below by deposit in prison mail, addressed as follows;

5 Copies, to Defendants counsel, to provide defendants;

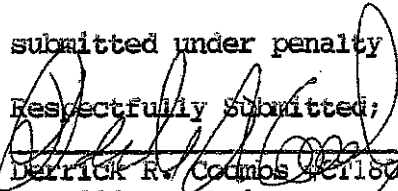
Addressed to;

Mr. Patrick S. Cawley, DAG
Office of Atty. Gen.
Com. of Penn.
Strawberry Square, 15th Flr.
Harrisburg Pa.
17120

2 copies to;
Clerk of Court
U.S. Dist. Ct.
228 Walnut St.
P.O. Box 983
Hbg. Pa. 17108

Signed in accordance with FRCP Rule 11, and submitted under penalty of perjury;

Respectfully Submitted;


Derrick R. Coombs
Box 200 Camp Hill Pa.
17001-0200